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7 The Honorable Ricardo S. Martinez
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

10 WASHINGTON STATE ASSOCIATION OF HEAD
11 START AND EARLY CHILDHOOD ASSISTANCE AND
12 EDUCATION PROGRAM, ILLINOIS HEAD START
13 ASSOCIATION, PENNSYLVANIA HEAD START
14 ASSOCIATION, WISCONSIN HEAD START
ASSOCIATION, FAMILY FORWARD OREGON, and
PARENT VOICES OAKLAND,

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16 *Plaintiffs,*
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27 ROBERT F. KENNEDY, JR., in his official capacity as
Secretary of Health and Human Services; U.S.
DEPARTMENT OF HEALTH AND HUMAN SERVICES;
ANDREW GRADISON, in his official capacity as Acting
Assistant Secretary of the Administration for Children and
Families; ADMINISTRATION FOR CHILDREN AND
FAMILIES; OFFICE OF HEAD START; and TALA
HOOBAN, in her official capacity as Acting Director of
the Office of Head Start,

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27 *Defendants.*

Case No. 2:25-cv-00781-RSM

**MOTION TO FILE
DECLARATIONS IN
PSEUDONYM**
NOTE ON MOTION
CALENDAR:

JUNE 13, 2025

I. INTRODUCTION

Declarants in this case are Head Start agencies, parents with children who are enrolled in Head Start, and teachers in Head Start (collectively referred to herein as “Declarants”) who have important information to share about Head Start and the Defendants’ failure to appropriately administer Congress’s mandate to provide these services to children and families. However, because of the general climate of fear created by the Trump Administration, Declarants fear for their personal, professional, and financial well-being if their identity is revealed in connection with a case criticizing the Administration. While Declarants suffer potential retaliation for their disclosure, Defendants suffer no prejudice if Declarants are allowed to proceed in pseudonym. Finally, the public benefits from hearing the information provided by these Declarants because this is information the public would not hear if the Administration’s intimidation tactics were allowed to silence people who would otherwise speak out.

II. BACKGROUND

Declarants are individuals affected by the Defendants' failure to appropriately administer the Head Start Program. Jane Doe is an administrator at one of the largest Head Start Providers in Washington state. *See Declaration of David Montes*, Exhibit A at 1. Her declaration provides extensive information about the Head Start program and the effects of the Defendants' actions on the agency's ability to administer the program as required by the statute. *Id.* It also indicates that if Jane Doe is not allowed to maintain her anonymity, she would fear retaliation both against her program and herself and would not be willing to provide this information. *Id.* at 14-15.

Member A is a parent and member of Plaintiff Family Forward Oregon. *See Declaration of David Montes*, Exhibit B at 1. Member A has a three-year old daughter in Head Start. *Id.* Member A discusses the importance of Head Start to her daughter's education and wellbeing and her ability to work, as well as the harms to herself and her family because of

1 Defendants' actions. *Id.* at 2-3. Member A submitted her declaration in pseudonym because of
 2 fear of retaliation from the Trump Administration and other members of the public who may
 3 be inflamed by the rhetoric the administration. *Id.* at 4.

4 Member B is a Head Start teacher and member of Plaintiff Family Forward Oregon.
 5 *See Declaration of David Montes*, Exhibit C at 1. This declaration outlines the work and care
 6 that Head Start educators give to their students and the harm to herself and the children and
 7 families with whom she works as a result of Defendants' actions. *Id.* at 2-4. Member B
 8 submitted her declaration in pseudonym because of fear of retaliation from the Trump
 9 Administration and other members of the public who may be inflamed by the rhetoric the
 10 administration. *Id.* at 4.

11 These fears are well founded. One of the hallmarks of this Administration has been a
 12 willingness to exact revenge on the government's foes and perceived foes.¹ Whether it is
 13 former government officials, law firms, educational institutions, or others, the Administration
 14 has not hesitated to use its vast power to compel allegiance or make life difficult for those who
 15 are seen as disloyal. *Id.* In many cases, these actions have been accompanied, or have
 16 sometimes been preceded, by harassment or doxxing of people who speak out against the
 17 Administration by right-wing groups.²

18 III. ARGUMENT

19 28 U.S. Code § 1746 allows for unsworn declarations signed under penalty of perjury to be
 20 used in any situation where a sworn declaration could be used. This statute "does not prohibit the

21
 22
 23 ¹ See Michael S. Schmidt, *In Trump's Second Term, Retribution Comes in Many Forms*, N.Y. TIMES (Apr. 7, 2025), <https://www.nytimes.com/2025/04/07/us/politics/trump-biden-law-firms-revenge.html>.

24 ² Alfred Ng, *DOJ Reveals Plan to Protect Doxxed Staff*, POLITICO (January 1, 2025) [DOJ reveals plans to protect](#)
 25 [doxxed staff - POLITICO](#); Stephanie Saul, *A Mysterious Group Says Its Mission Is to Expose Antisemitic*
 26 *Students*, N.Y. TIMES (Apr. 1, 2025), <https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-mission.html>; Tesfaye Negussie and Nadine El-Bawab, *Doxxing Campaign Against Pro-Palestinian*
 27 *College Students Ramps Up*, ABC NEWS (Oct. 20, 2023), <https://abcnews.go.com/International/doxxing-campaign-pro-palestinian-college-students-ramps/story?id=104141630>.

1 use of nicknames, aliases, or pseudonyms; it merely requires by implication that the fact of such
 2 use is expressly stated in the declaration, and that the actual person can be identified.” *Springer v.*
 3 *I.R.S.*, S-97-0092 WBS GGH, 1997 WL 732526, at *5 (E.D. Cal. Sept. 12, 1997).

4 Courts allow anonymity “when identification creates a risk of retaliatory physical or
 5 mental harm.” *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000)
 6 (collecting cases). To determine whether pseudonymity is appropriate in a particular case,
 7 courts examine “(1) the severity of the threatened harm (2) the reasonableness of the
 8 anonymous party’s fears and (3) the anonymous party’s vulnerability to such retaliation.” *Id.*
 9 “The court must also determine the precise prejudice at each stage of the proceedings to the
 10 opposing party, and whether proceedings may be structured so as to mitigate that
 11 prejudice.” *Id.* “Finally, the court must decide whether the public’s interest in the case would
 12 be best served by requiring that the litigants reveal their identities.” *Id.* This standard applies
 13 to non-party declarants. *Guifu Li v. A Perfect Day Franchise, Inc.*, 270 F.R.D. 509, 514 (N.D.
 14 Cal. 2010). Where cases concern governmental activity, the case for proceeding anonymously
 15 is particularly strong. *See, e.g., E.W. v. N.Y. Blood. Ctr.*, 213 F.R.D. 108, 111 (E.D.N.Y. 2003).

16 The threatened harms here are both significant and reasonable expected to occur. Based
 17 on the well-documented actions and threats of the Trump Administration and third-party actors
 18 aligned with the Administration, Declarants fear that their personal safety may be at risk and
 19 that third party groups will dox, threaten and potentially harm them if their identities are
 20 disclosed. Because these programs work with children, there is also a threat that if a program
 21 is targeted, it would put the children in the program in harm’s way. The well-established recent
 22 history of retribution by this Administration makes these fears of retaliation reasonable. In
 23 addition to the threats of physical harm, there is a very real threat that the Administration will
 24 retaliate by revoking funding for programs, as they have done against educational institutions,
 25 or taking adverse actions on Declarants’ employment. None of the Declarants have the means
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1 to protect themselves from such attacks. As such, the three factors from *Advanced Textile* are
 2 satisfied.

3 In contrast, the Defendants' interests will not be harmed by pseudonymity in this case.
 4 First, the allegations in these declarations can be investigated generally, and do not require the
 5 identity of the individuals named in the declarations. These declarations describe individual
 6 experiences that are representative of those experienced by Head Start staff and families. This
 7 will give Defendants the opportunity to investigate whether this situation is occurring in Head
 8 Start agencies or with Head Start parents or educators around the country and does not require
 9 Defendants to know the names of Declarants. They can obtain most of the information needed
 10 to confirm or deny the allegations in this way. Second, Declarants are not parties to this case
 11 and are not subject to the same disclosure requirements as the parties in this case.

12 Finally, given the circumstances here, anonymity and protection from retaliation *serves*
 13 rather than detracts from the public interest. While the public has an interest in access to court
 14 proceedings, the individual identity of Declarants is not necessary to facilitate the public's
 15 understanding of judicial decision-making or "public scrutiny of the important issues in this
 16 case." *Advanced Textile Corp.*, 214 F.3d at 1072. Moreover, because of the Declarants' fear in
 17 this case, if Declarants are not allowed to proceed in pseudonym, it means that the public may
 18 never learn the important information they have to share. Pseudonymity will allow more
 19 information into the public sphere.

20 The balance here clearly weighs in favor of allowing pseudonymity and Plaintiffs
 21 request that Declarants be allowed to proceed as such.

22 **IV. CONCLUSION**

23 For the reasons stated above, Plaintiff requests that the Court allow Declarants to
 24 proceed in pseudonym. If denied, Plaintiff's request that Declarants be allowed to withdraw
 25 their declarations.

26 ***

1 The undersigned certifies that this motion contains 1,243 words, in compliance with the
 2 Local Civil Rules.

4 Dated: May 16, 2025

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